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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

YARED RETTA,

Defendant.

Case No.: 2:15-CR-009-JAD-VCF

**GOVERNMENT'S MOTION TO  
DISMISS INDICTMENT PURSUANT TO  
FED. R. CRIM. P. 48(A)**

COMES NOW the United States of America, by and through its attorneys, DANIEL G. BOGDEN, United States Attorney, and PHILLIP N. SMITH, JR., Assistant United States Attorney, and respectfully seeks leave of court pursuant to Federal Rule of Criminal Procedure 48(a) to dismiss the Criminal Indictment filed against the Defendant, Yared Retta, on January 13, 2015, charging him with one (1) count of Felon in Possession of a Firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). *See* Docket #1.

On December 29, 2015, the Court issued an Order granting the Defendant's Motion to Suppress. *See* Docket #63. The Government does not intend to appeal the Court's Order. Given the Order's finding that the firearm that was found inside of the vehicle the Defendant was driving should be suppressed, the Government does not wish to continue with the instant

1 prosecution. Consequently, the instant case should be dismissed, and the Government hereby so  
2 moves.

3 Dated this the 2nd day of February, 2016.

4 Respectfully Submitted,

5 DANIEL G. BOGDEN  
6 United States Attorney

7 /s/

8 By: \_\_\_\_\_  
9 PHILLIP N. SMITH, JR.  
10 Assistant United States Attorney  
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**ORDER OF DISMISSAL**

Based on the Motion of the Government, and good cause appearing therefore, **IT IS ORDERED**, that pursuant to the Government's Motion to Dismiss Indictment, and in accordance with Fed. R. Crim. P. 48(a), the Criminal Indictment filed on January 13, 2015 in the above-captioned case is hereby **DISMISSED**.

DATED this 2nd day of February, 2016.

  
Hon. JENNIFER A. DORSEY  
UNITED STATES DISTRICT JUDGE